

REMARKS

The office action of May 21, 2003, has been carefully considered.

It is noted that claims 1-5 are rejected under 35 U.S.C. 112, second paragraph.

Claim 1 is rejected under 35U.S.C. 102(b) over German reference DE 40 11 826.

Claims 1-5 are rejected under 35 U.S.C. 103(a) over the prior art discussed in the specification in view of the patent to Bartholomew.

Claims 1-5 are rejected under 35 U.S.C. 103(a) over the prior art applied to claims 1-5 above, and further in view of either the paten to Spatafora or the patent to Carroll.

In view of the Examiner's rejection of the claims, applicant has amended claim 1 to clearly recite that the shut-off device is in the roller neck along with the forward and rearward flow means. Additionally, claim 1 has been amended to consistently recite "rearward flow means".

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Thus, it is further respectfully submitted that the rejection of claims 1-5 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, and particularly to DE 40 11 826, it can be seen that this reference discloses a deflection-controlled roll. This reference does not in any way disclose a thermal roll as dealt with in the presently claimed invention. In this reference there are two flow inlets and one outlet. Between the inlets is a check valve that is closed in the normal state. In

HM-396

the event that the inlet tubes are torn off, the check valve immediately opens so that pressure medium can flow out of the roll. This is exactly the opposite of what is intended in the presently claimed invention. In the present invention, when the inlet line is torn off the valve closes so that the pressure medium remains in the roll. This is not disclosed by DE 40 11 826.

Furthermore, DE 40 11 826 does not disclose a shut-off valve arranged in the roller neck, as in the present invention. In the reference the valve is located outside the roller neck,

In view of these considerations it is respectfully submitted that the rejection of claim 1 under 35 U.S.C. 102(b) over the above-discussed reference is overcome and should be withdrawn.

The patent to Bartholomew discloses an automotive fuel filler system. Applicant submits that this has nothing to do with a thermal roller as in the present invention. Simply because the present invention and the reference both try to prevent a fire hazard does not mean that they are in analogous arts. The reference must provide some teaching which would motivate those skilled in the art to make the combination argued by the Examiner.

Applicant can find nothing in the teachings of Bartholomew that makes any suggestion or provides any motivation for making any changes in a thermal roller. The reference only deals with an automotive application that has nothing to do with thermal rollers. Applicant requests that the Examiner clearly indicate where the reference provides the motivation for combination with the references mentioned in the specification of the present application.

In summary, Bartholomew discloses a fuel filling system which includes an automatically closing valve. However, such automatically closing valves were known in the art prior to the filing dates of the reference and of the present application. It was clearly not obvious to use such valves in thermal rollers and Bartholomew provides no motivation to do so. Certainly, those skilled in the art would not look to a fuel filling system for automobiles to find a solution for a valve as it is used in accordance with the present invention. The only possible way to make such a combination is by impermissible hindsight reconstruction of the invention based upon the teachings of the present application. Applicant submits that it is the Examiner's burden in making his rejection to provide support for why the references are combinable.

In view of these considerations it is respectfully submitted that the rejection of claims 1-5 under 35 U.S.C. 103(a) over a combination of Bartholomew with the references mentioned in the specification is overcome and should be withdrawn.

The reference to Spatafora discloses a gumming device which is formed by a roller mounted in a housing or bearings, wherein a cooling medium flows through the roller. However, the valve arranged in the roller is always in the closed position. Only a shoulder 37 in the frame 2 controls the valve. In other words, the valve is only closed when the roller is taken out of the frame. If an accident should happen and the connection of the rotating roller should be torn off, the shoulder 37 would continue to hold the valve 55 in the open position. The contents of the roller would flow out. Consequently, the reference to Spotafora does not disclose or suggest a valve as it is set forth in the claims of the present application which is operated in accordance to pressure.

The patent to Carroll discloses a pressure lubricated track tractor roller. This reference also does not have any teaching concerning a thermal roller as dealt with in the presently claimed invention.

HM-396

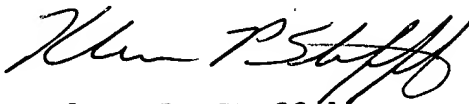
The Examiner combined either of these two references with Bartholomew and the references discussed in the specification of the present application in rejecting claims 1-5 as being unpatentable. It is respectfully submitted that the teachings of these many references do not suggest or motivate one skilled in the art to make the combination argued by the Examiner. In hindsight the combination might be obvious, but without the benefit of the present application as a guide there is no motivation for making the combination.

In view of these considerations it is respectfully submitted that the rejection of claims 1-5 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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Dated: September 22, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on September 22, 2003.

By: 
Klaus P. Stoffel

Date: September 22, 2003